

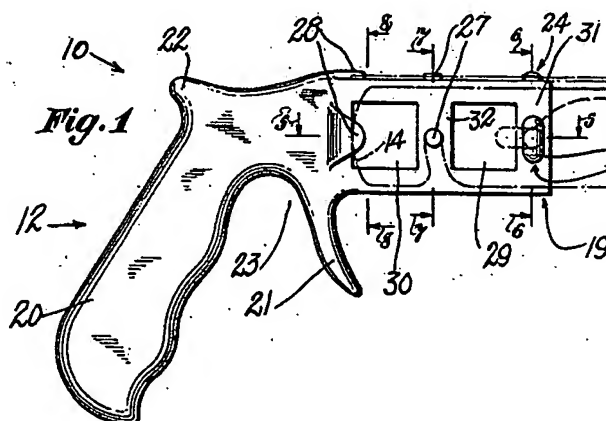
## **REMARKS**

Claims 3, 4, 6 and 23-29 are now pending in the application. Claims 3, 4, 6 and 23-29 stand rejected. Claim 23 has been amended; support for which can be found throughout the application as originally filed, and in particular, in Figures 1 - 3. As such, no new matter has been presented. The preceding amendments and the following remarks are believed to be fully responsive to the outstanding Office Action and are believed to place the application in condition for allowance. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

## **REJECTION UNDER 35 U.S.C. § 102**

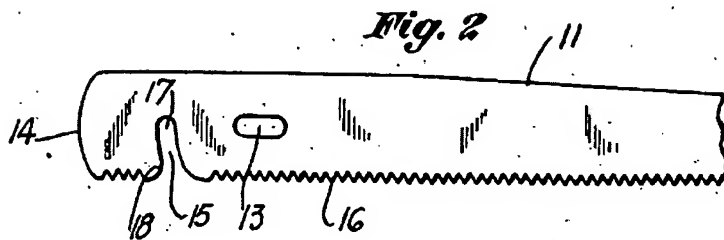
Claims 3, 6 and 23 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Davey (U.S. Pat. No. 2,017,895, hereinafter "Davey"). This rejection is respectfully traversed.

Initially, Applicant notes that Davey discloses a holding means (12) for a saw (10), wherein the holding means (12) comprises a shank (19) and a handle (20) at an angle therewith. Davey further discloses a trigger-like portion (21) extending from the shank (19), wherein the trigger portion (21) is spaced from the handle (20) and is located in



the region of the angle previously described between the shank (19) and the handle (20). The handle (20) braces the operator's hand, the index finger encircles the trigger

(21), and the middle finger lies in the space (23) between so as to bear against the



portion (21) in the direction of sawing.

See Col. 2, Lines 12-22. Davey also

discloses that the holding means (12)

receives a saw blade (11) having a

transverse slot (15) opening into the saw edge (16) of the blade. See Col. 2, Lines 4-5.

In contrast, Applicant's amended Claim 23 includes:

...a handle including a **hand grip portion adapted to be received in a user's palm** and first and second blade mounting portions, said hand grip portion defining an inner surface, said first blade mounting portion being disposed on a side surface of said handle and said second blade mounting portion being disposed on a bottom surface of said handle...

...wherein **said inner surface of said hand grip portion is sloped toward said blade so as to be oriented at an acute angle relative to said second blade mounting portion...**

In view of the above discussion, Applicant asserts that Davey does not teach, suggest or disclose every element of Claim 23. In particular, the Davey disclosure fails to teach that the portion of the handgrip that receives a palm is sloped towards the blade at an acute angle. The Office surmises that the Davey trigger (21) could receive the operator's palm. However, this is contrary to the Davey disclosure. Not only would the operator have very little room to grasp the trigger portion (21) to apply a force for the sawing action because of the size and location of the trigger, but also the operator may cut fingers on the exposed serrated edge of the saw blade (16).

Accordingly, in view of at least the above discussion, Applicant respectfully submits that Davey does not teach, suggest or disclose each and every element of

Claim 23, and thus, Applicant respectfully requests the Office to reconsider and withdraw the rejection of Claim 23 under 35 U.S.C. § 102(b).

With respect to Claim 6, Applicant asserts that independently allowable subject matter exists as Claim 6 recites that the “handle includes a hook member for hanging said hand saw.” Davey does not teach, suggest or disclose that the handle includes a hook member for hanging the saw. The Office points to the area between the handle (20) and the trigger (21) in consideration of the hook member disclosed in Applicant’s present invention. However, Applicant notes that the center of balance of the device due to the weight of the shank (19) and saw blade (16) would cause the device to spin and fall off of a hook. See Davey, Figure 1.

Additionally, as Claims 3 and 6 depend from Claim 23, they should also be in condition for allowance for at least the reasons noted above. Accordingly, Applicant respectfully requests the Office to reconsider and withdraw the rejection of Claims 3 and 6 under 35 U.S.C. § 102(b).

Claims 3, 6 and 23 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Suhre (U.S. Pat. No. 2,559,686, hereinafter “Suhre”). This rejection is respectfully traversed.

Initially, Applicant notes that Suhre discloses a hacksaw having a handle (10), a frame (24), and a saw blade (56). See Figure 1. The handle (10) has two transversely extending pins (46, 50) and a downwardly extending projection (48). See Col. 2, Lines 37-42. The frame (24) has an outwardly projecting pin (52) and a downwardly extending projection (58). See Col. 2, Lines 44-60. The extending pins (46, 50) of the

Fig. 1

...a blade **removably mounted at a proximal end** of said blade to one of said first and second blade mounting portions and **extending in a first direction away from said handle**, wherein said blade has an **unsupported distal end**...

Fig. 5.

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2, Lines 51-56. Applicant contends that the reduced thickness area recited in Suhre acts as a support to the blade (56) at both the cutting edge of the blade (56) and the end opposite the cutting edge.

In addition to this differentiation, it should be noted that Claim 23 recites that the blade extends "...in a first direction away from said handle..." As shown in Figures 1 and 2, the handle (10) of the Suhre device encompasses the full height of the blade (56). Therefore, the only possible direction for the blade (56) in the Suhre device to be moving "away from said handle" is in the direction along the length of the frame (24). In such a case, it is clear that the projecting pin (52) of the frame (24) supports the distal end of the Suhre blade (56).

Finally, Applicant notes that Claim 23 has been amended to recite that the "...blade [is] removably mounted at a proximal end of said blade to one of said first and second blade mounting portions..." The Office surmised that the unsupported distal end of the blade could be the cutting edge or the end opposite the cutting edge of the blade. In such a case, the Suhre disclosure attaches the blade (56) to the handle (10) at a central portion of said blade and not at a proximal end as described in Applicant's Claim 23. See Figure 1.

Accordingly, in view of at least the above discussion, Applicant respectfully submits that Suhre does not teach, suggest or disclose each and every element of Claim 23, and thus, Applicant respectfully requests the Office to reconsider and withdraw the rejection of Claim 23 under 35 U.S.C. § 102(b).

With respect to Claim 3, Applicant asserts that independently allowable subject matter exists as Claim 3 recites that the "handle is a single, integrally formed member."

Suhre does not teach, suggest or disclose a device as described in Applicant's pending Claim 3. Applicant notes that without the secondary frame member (24), the Suhre blade (56) could not be mounted to the handle (10). Instead, the Suhre device relies on the taut relationship provided by the movement of the frame (24) away from the handle (10) to mount the blade (56). Therefore, the Suhre reference requires two separable members and not a single, integrally formed member as described in Applicant's Claim 3.

Additionally, as Claims 3 and 6 depend from Claim 23, they should also be in condition for allowance for at least the aforementioned reasons. Accordingly, Applicant respectfully requests the Office to reconsider and withdraw the rejection of Claims 3 and 6 under 35 U.S.C. § 102(b).

#### **REJECTION UNDER 35 U.S.C. § 103**

Claims 3, 6 and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Davey in view of Derr (2,606,584, hereinafter "Derr"). This rejection is respectfully traversed.

As previously discussed, the Davey disclosure fails to teach that the portion of the handgrip that receives a palm is sloped towards the blade at an acute angle. Derr

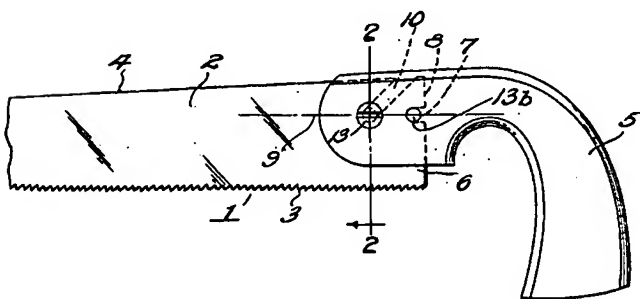


FIG. 1

discloses an improved saw blade (1) having a notch (7) at the end (6) of the blade (1) for uniting with a handle or frame (5). See Derr at Col. 1, Lines 45-53, Col. 2, Lines 1-5. However, Derr fails to describe the handle with

any further specificity. Figures 1 and 3 of the Derr reference depict a curved handle configuration, but it is unclear if the handgrip portion is sloped towards the blade as described in Applicant's Claim 23. In large part, the handgrip portion lies perpendicular to the blade (1), which is a necessary feature on push-style saws to apply a proper amount of force for cutting. See Figure 1. It is important to note that an acute angle between the blade and the handle in the style of saw described in both Davey and Derr would be ineffective because it would not allow the operator to provide the requisite cutting force.

However, to the degree that it could be argued that Derr does teach the angular relationship between the handle and the blade, the Applicant notes that it is improper to combine references where the references teach away from their combination. *In re Grasselli*, 713 F.2d 731, 743, 218 USPQ 769, 779 (Fed. Cir. 1983). The Davey device discloses that the saw blade (11) may be secured to a side or top of the shank (19) by identical means. See Davey at Col. 2, Lines 23-33. However, the Derr frame (5) incorporates a slit (12) for receivably attaching the blade (1). See Derr at Col. 2, Lines 19-21. Applicant argues that one skilled in the art would not contemplate combining the handle of the Derr reference with the Davey invention because the Derr handle could not support the identical structure for receiving the blade on its top face.

As previously mentioned, the Davey reference teaches away from utilizing an acutely angled handle. Davey recites safety of the operator's hand as a concern. See Davey at Col. 2, Lines 27-28. An acutely angled handle would place the operator's hand adjacent to the serrated portion of the blade. See Davey at Figure 1. A hand

slipping from the handle would be placed in direct contact with the blade in such a configuration. This would not be conducive to the operator's safety.

Accordingly, in view of at least the above discussion, Applicant respectfully submits that the combination of Davey and Derr does not teach, suggest or disclose each and every element of Claim 23, and thus, Applicant respectfully requests the Office to reconsider and withdraw the rejection of Claim 23 under 35 U.S.C. § 103(a).

As Claims 3 and 6 depend from Claim 23, they should also be in condition for allowance. Accordingly, Applicant respectfully requests the Office to reconsider and withdraw the rejection of Claims 3 and 6 under 35 U.S.C. § 102(b).

Claims 4 and 24-29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Davey (U.S. Pat. No. 2,017,895) in view of Applicant's Admitted Prior Art. This rejection is respectfully rendered moot.

Claims 4 and 24-29 depend from independent Claims 23 and, therefore, for at least the reasons noted above, should also be in condition for allowance. Accordingly, Applicant respectfully requests the Office to reconsider and withdraw the rejection of Claims 4 and 24-29 under 35 U.S.C. § 103(a).

## **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt



and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: May 9, 2008

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